

Amended Complaint Asserts Walgreens' Liability in Opioid Epidemic

In a recent court filing in Delaware's ongoing civil lawsuit against the pharmaceutical industry over the prescription opioid crisis, the State asserts Walgreens' liability for its role in the addiction epidemic as both a pharmacy and a distributor and seeks to add Walgreens to the list of manufacturer and distributor defendants.

An amended complaint filed April 2 argues that two Walgreens entities, Walgreen Co. and Walgreen Eastern Co., Inc., distributed and filled prescriptions for large amounts of prescription opioids in Delaware between 2006 and 2014, controlling a substantial portion of the Delaware wholesale prescription opioid market during that time. Walgreens was an original defendant in the suit filed last year and was dismissed from the lawsuit in February 2019, but the court's order allowed for additional information to be provided to argue that Walgreens should be added back in as a defendant.

The suit contends Walgreens failed in its duty to use due diligence to avoid filling orders for prescription opioids that could be diverted into illicit markets. The amended complaints also adds Walgreens to its Distributor Claims, which consist of negligence and consumer fraud claims.

The inclusion of pharmacies in Delaware's suit makes it one of the nation's only legal actions that targets every level of the prescription opioid distribution system for its alleged failure to meet legal obligations that have contributed to Delaware's opioid addiction epidemic.

The suit in Delaware Superior Court names Purdue Pharma L.P., Purdue Pharma Inc., The Purdue Frederick Company, Endo Health

Solutions Inc., Endo Pharmaceuticals Inc., McKesson Corporation, Cardinal Health, Inc., Amerisourcebergen Drug Corporation, Anda Pharmaceuticals, Inc., H. D. Smith, LLC, Walgreen Co., and Walgreen Eastern Co., Inc. as defendants. Delaware is represented in this litigation by the law firms of Gilbert LLP, Fields PLLC, Connolly Gallagher LLP, and Cross & Simon, LLC.